

Date of decision: 08/02/96

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GOVINDLAL JAYANTILAL RANA

VS

STATE OF GUJARAT

Appearance:

MR UM SHASTRI	for Petitioner
MR VB GARADIA	for Respondent No. 1 to 4.

Coram : MR.JUSTICE C.K.THAKKER

ORAL JUDGEMENT

1. Rule. Mr.V.B.Garadia, Assistant Government Pleader appeared on behalf of the respondent. In the facts and circumstances, this matter is taken up for final hearing.

2. This petition is filed by the petitioner for quashing and setting aside the order passed by the first respondent by which an application made by the petitioner to get an appointment on compassionate ground came to be rejected on April 15, 1994. My attention was invited by the learned counsel to the said order in which it was mentioned that on two grounds application of the

petitioner came to be rejected, firstly, it was stated that the application filed by the petitioner was barred by limitation and secondly, it is stated that income of the petitioner exceeded the prescribed limit.

3. Mr. Shashtri, learned counsel for the petitioner contended that the first ground is not available to the respondent authorities inasmuch as when he filed an application in 1992 the said application was rejected on the ground that the petitioner had not attained the age of majority inasmuch as he had not completed age of 18 years. As soon as he reached the age of 18 years, he made an application and the said application was decided by the impugned order. Looking to the records, it appears that the petitioner has stated that his date of birth is June 30, 1975 which is also mentioned in Annexure.A to the petition (an order rejecting earlier application filed by the petitioner). Hence his application could not have been rejected on the ground of limitation. So far as second ground is concerned, reliance was placed on a certificate issued by the District Treasury Officer, Panchmahals at Godhra, Annexure.G to the petition in which it was mentioned that the petitioner is getting an amount of Rs.613/- plus Rs.375/- by way of pension. He submitted that the said amount cannot be taken into account for the purpose of granting or rejecting the application for appointment on compassionate ground.

The learned counsel has also stated that the petitioner has no any other income. In these circumstances, in my opinion, the impugned order requires to be quashed and only direction which can be issued is to reconsider the case of the petitioner in the light of the facts mentioned in the petition and it deserves to be quashed and set aside by directing the respondent authorities to reconsider the matter and pass fresh order in accordance with law. In the light of the facts and circumstances of the case and also in the light of the observations made hereinabove. Since the question relates to an appointment on compassionate ground, the authorities are directed to decide the same as expeditiously as possible preferably within three months from the receipt of the writ. Rule is made absolute to the above extent. No order as to costs. DS.

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